

HOUSE BILL NO. 63

INTRODUCED BY VILLA

BY REQUEST OF THE OFFICE OF PUBLIC INSTRUCTION

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING SCHOOL FINANCE LAWS; ALLOWING SCHOOL DISTRICTS TO LEASE PERSONAL PROPERTY; EXPANDING THE USES FOR CERTAIN SCHOOL DISTRICT FUNDS; CHANGING A BUDGET DEADLINE FOR JOINT DISTRICTS; INCREASING THE ENTITLEMENTS FOR PUBLIC SCHOOLS FOR SCHOOL FISCAL YEAR 2006 AND SCHOOL FISCAL YEAR 2007; EXTENDING THE TIME PERIOD IN WHICH A SCHOOL DISTRICT CAN ADOPT A GENERAL FUND BUDGET THAT EXCEEDS THE MAXIMUM; PROVIDING FOR 3-YEAR AVERAGING OF ANB FOR SCHOOL DISTRICTS WITH DECLINING ENROLLMENT FOR SCHOOL FISCAL YEAR 2006 AND SCHOOL FISCAL YEAR 2007; ALLOWING A SCHOOL DISTRICT TO PERMISSIVELY LEVY UP TO THE SAME OVER-BASE PROPERTY TAX REVENUE LEVIED IN THE PREVIOUS FISCAL YEAR; REVISING CERTAIN CALCULATIONS FOR GUARANTEED TAX BASE FUNDING; REVISING THE LIMITATIONS ON SCHOOL DISTRICT BONDED INDEBTEDNESS; CONFORMING CERTAIN STATUTES TO CURRENT LAW; ~~REVISING THE WAY IN WHICH A SCHOOL DISTRICT CHARGES EMPLOYER CONTRIBUTIONS FOR RETIREMENT, SOCIAL SECURITY, AND UNEMPLOYMENT INSURANCE; TERMINATING THE BLOCK GRANT FOR THE DISTRICT TRANSPORTATION FUND AND THE COMBINED BLOCK GRANT;~~ REMOVING A REFERENCE TO A ONE-TIME-ONLY STATE PAYMENT TO SCHOOL DISTRICTS; TEMPORARILY EXTENDING SCHOOL ELECTION DEADLINES; PROVIDING FOR UNIFIED AND JOINT BOARD INTERDISTRICT AGREEMENTS FOR FUND TRANSFERS BY FEBRUARY 1 OF THE CURRENT FISCAL YEAR; AUTHORIZING THE TRANSFER OF ANY ENDING FUND BALANCE FROM THE RETIREMENT OR TRANSPORTATION FUNDS TO THE SCHOOL FLEXIBILITY FUND; AUTHORIZING AND LIMITING A SCHOOL DISTRICT'S AUTHORITY TO LEVY FOR HEALTH INSURANCE PREMIUMS TO THE INCREASE IN PREMIUMS DURING FISCAL YEARS 2006 AND 2007; AMENDING SECTIONS 2-9-212, 20-5-323, 20-6-607, 20-7-102, 20-9-130, 20-9-131, 20-9-142, 20-9-151, 20-9-152, 20-9-306, 20-9-308, 20-9-311, 20-9-314, 20-9-321, 20-9-353, 20-9-366, 20-9-406, AND AND 20-9-443, 20-9-501, AND 20-9-630, MCA; REPEALING SECTION 20-9-375, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE DATES, APPLICABILITY DATES, AND TERMINATION DATES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

SECTION 1. SECTION 2-9-212, MCA, IS AMENDED TO READ:

"2-9-212. Political subdivision tax levy to pay premiums. (1) ~~(a) Subject to 15-10-420 and subsections (1)(b) and (2) of this section, a political subdivision, except for a school district, may levy an annual property tax in the amount necessary to fund the premium for insurance, deductible reserve fund, and self-insurance reserve fund as authorized in this section and to pay the principal and interest on bonds or notes issued pursuant to 2-9-211(5).~~

~~(b) A school district's levying authority under this section is limited to the amount necessary to pay for any increase in its insurance premiums during fiscal year 2006 and fiscal year 2007.~~

~~(2) (a) If a political subdivision made contributions for group benefits under 2-18-703 on or before July 1, 2001, the increase in the political subdivision's property tax levy for the political subdivision's premium contributions for group benefits under 2-18-703 beyond the amount of contributions in effect at the beginning of the last fiscal year is not subject to the mill levy calculation limitation provided for in 15-10-420. Levies implemented under this section must be calculated separately from the mill levies calculated under 15-10-420 and are not subject to the inflation factor described in 15-10-420(1)(a). If tax-billing software is capable, the county treasurer shall list separately the cumulative mill levy or dollar amount on the tax notice sent to each taxpayer under 15-16-101(2). The amount must also be reported to the department of administration pursuant to 7-6-4003. The mill levy must be described as the permissive medical levy.~~

~~(b) Each year prior to implementing a levy under subsection (2)(a), after notice of the hearing given under 7-1-2121 or 7-1-4127, a public hearing must be held regarding any proposed increases.~~

~~(c) A levy under this section in the previous year may not be included in the amount of property taxes that a governmental entity is authorized to levy for the purposes of determining the amount that the governmental entity may assess under the provisions of 15-10-420(1)(a). When a levy under this section decreases or is no longer levied, the revenue may not be combined with the revenue determined in 15-10-420(1)(a)."~~

SECTION 1. SECTION 20-5-323, MCA, IS AMENDED TO READ:

"20-5-323. Tuition and transportation rates. (1) Except as provided in subsections (2) through (5), whenever a child has approval to attend a school outside of the child's district of residence under the provisions of 20-5-320 or 20-5-321, the rate of tuition charged for a Montana resident student may not exceed 20% of the

per-ANB maximum rate established in 20-9-306 for the year of attendance.

(2) The tuition for a child with a disability must be determined under rules adopted by the superintendent of public instruction for the calculation of tuition for special education pupils.

(3) The tuition rate for out-of-district placement pursuant to 20-5-321(1)(d) and (1)(e) for a student without disabilities who requires a program with costs that exceed the average district costs must be determined as the actual individual costs of providing that program according to the following:

(a) the district of attendance and the district, person, or entity responsible for the tuition payments shall approve an agreement with the district of attendance for the tuition cost;

(b) for a Montana resident student, 80% of the maximum per-ANB rate established in ~~20-9-306(10)~~ 20-9-306, received in the year for which the tuition charges are calculated must be subtracted from the per-student program costs for a Montana resident student; and

(c) the maximum tuition rate paid to a district under this section may not exceed \$2,500 per ANB.

(4) When a child attends a public school of another state or province, the amount of daily tuition may not be greater than the average annual cost for each student in the child's district of residence. This calculation for tuition purposes is determined by totaling all of the expenditures for all of the district budgeted funds for the preceding school fiscal year and dividing that amount by the October 1 enrollment in the preceding school fiscal year. For the purposes of this subsection, the following do not apply:

(a) placement of a child with a disability pursuant to Title 20, chapter 7, part 4;

(b) placement made in a state or province with a reciprocal tuition agreement pursuant to 20-5-314;

(c) an order issued under Title 40, chapter 4, part 2; or

(d) out-of-state placement by a state agency.

(5) When a child is placed by a state agency in an out-of-state residential facility, the state agency making the placement is responsible for the education costs resulting from the placement.

(6) The amount, if any, charged for transportation may not exceed the lesser of the average transportation cost for each student in the child's district of residence or 25 cents a mile. The average expenditures for the district transportation fund for the preceding school fiscal year must be calculated by dividing the transportation fund expenditures by the October 1 enrollment for the preceding fiscal year."

Section 2. Section 20-6-607, MCA, is amended to read:

"20-6-607. Leasing district property and disposition of any rentals. The trustees of any a district

1 may rent; ~~or lease, or let~~ any buildings, land, ~~or~~ facilities, or personal property of the district under the terms
2 specified by the trustees. Any money collected for ~~such the~~ rental; ~~or lease, or letting~~ may, in the discretion of
3 the trustees, be used for any proper school purpose and deposited in ~~such any~~ fund as the trustees consider
4 appropriate."
5

6 **Section 3.** Section 20-7-102, MCA, is amended to read:

7 **"20-7-102. Accreditation of schools.** (1) The conditions under which each elementary school, each
8 middle school, each junior high school, 7th and 8th grades funded at high school rates, and each high school
9 operates must be reviewed by the superintendent of public instruction to determine compliance with the
10 standards of accreditation. The accreditation status of every school must then be established by the board of
11 public education upon the recommendation of the superintendent of public instruction. Notification of the
12 accreditation status for the applicable school year or years must be given to each district by the superintendent
13 of public instruction.

14 (2) A school may be accredited for a period consisting of 1, 2, 3, 4, or 5 school years, except that
15 multiyear accreditation may ~~only~~ be granted only to schools that are in compliance with 20-4-101.

16 (3) A nonpublic school may, through its governing body, request that the board of public education
17 accredit the school. Nonpublic schools may be accredited in the same manner as provided in subsection (1).

18 (4) As used in this section, "7th and 8th grades funded at high school rates" means an elementary
19 school district or K-12 district elementary program whose 7th and 8th grades are funded as provided in
20 ~~20-9-306(10)(c)(i) 20-9-306(10)(c)(ii) 20-9-306(11)(C)(II).~~"
21

22 **SECTION 4. SECTION 20-7-102, MCA, IS AMENDED TO READ:**

23 **"20-7-102. Accreditation of schools.** (1) The conditions under which each elementary school, each
24 middle school, each junior high school, 7th and 8th grades funded at high school rates, and each high school
25 operates must be reviewed by the superintendent of public instruction to determine compliance with the
26 standards of accreditation. The accreditation status of every school must then be established by the board of
27 public education upon the recommendation of the superintendent of public instruction. Notification of the
28 accreditation status for the applicable school year or years must be given to each district by the superintendent
29 of public instruction.

30 (2) A school may be accredited for a period consisting of 1, 2, 3, 4, or 5 school years, except that

multiyear accreditation may ~~only~~ be granted only to schools that are in compliance with 20-4-101.

(3) A nonpublic school may, through its governing body, request that the board of public education accredit the school. Nonpublic schools may be accredited in the same manner as provided in subsection (1).

(4) As used in this section, "7th and 8th grades funded at high school rates" means an elementary school district or K-12 district elementary program whose 7th and 8th grades are funded as provided in ~~20-9-306(10)(c)(i)~~ 20-9-306(10)(c)(ii)."

Section 5. Section 20-9-130, MCA, is amended to read:

"20-9-130. District obligation for students in youth detention facility. A school district is responsible for providing funding for the education of students of the district who are detained in a youth detention facility. The school district's obligation must be funded from the district's tuition fund or impact aid fund."

Section 6. Section 20-9-131, MCA, is amended to read:

"20-9-131. Final budget meeting. (1) On or before August 15, on the date and at the time and place stated in the notice published pursuant to 20-9-115, the trustees of each district shall meet to consider all budget information and any attachments required by law.

(2) The trustees may continue the meeting from day to day but shall adopt the final budget for the district and, ~~subject to 15-10-420,~~ determine the amounts to be raised by tax levies for the district not later than the fourth Monday in August and before the fixing of the tax levies for each district. Any taxpayer in the district may attend any portion of the trustees' meeting and be heard on the budget of the district or on any item or amount contained in the budget.

(3) Upon final approval, the trustees shall deliver the adopted budget, including the amounts to be raised by tax levies, to the county superintendent of schools within 5 days."

Section 7. Section 20-9-142, MCA, is amended to read:

"20-9-142. Fixing and levying taxes by board of county commissioners. On the fourth Monday in August, the county superintendent shall place before the board of county commissioners the final adopted budget of the district. ~~Subject to 15-10-420, it~~ It is the duty of the board of county commissioners to fix and levy on all the taxable value of all the real and personal property within the district all district and county taxation required to finance, within the limitations provided by law, the final budget."

1
2 **Section 8.** Section 20-9-151, MCA, is amended to read:

3 **"20-9-151. Budgeting procedure for joint districts.** (1) The trustees of a joint district shall adopt a
4 budget according to the school budgeting laws and send a copy of the budget to the county superintendent of
5 each county in which a part of the joint district is located. After approval by the trustees of the joint district, the
6 final budgets of joint districts must be filed in the office of the county superintendent of each county in which a
7 part of a joint district is located.

8 (2) The county superintendents receiving the budget of a joint district shall jointly compute the estimated
9 budget revenue and determine the number of mills that need to be levied in the joint district for each fund for
10 which a levy is to be made. The superintendent of public instruction shall establish a communication procedure
11 to facilitate the joint estimation of revenue and determination of the tax levies.

12 (3) After determining, in accordance with law and subject to ~~15-10-420~~, the number of mills that need
13 to be levied for each fund included on the final budget of the joint district, a joint statement of the required mill
14 levies must be prepared and signed by the county superintendents involved in the computation. A copy of the
15 statement must be delivered to the board of county commissioners of each county in which a part of the joint
16 district is located not later than the Friday immediately preceding the ~~second~~ fourth Monday in August."

17
18 **Section 9.** Section 20-9-152, MCA, is amended to read:

19 **"20-9-152. Fixing and levying taxes for joint districts.** (1) At the time of fixing levies for county and
20 school purposes on the ~~second~~ fourth Monday in August, the board of county commissioners of each county in
21 which a part of a joint district is located shall, ~~subject to 15-10-420~~, fix and levy taxes on that portion of the joint
22 district located in each board's county at the number of mills for each levy recommended by the joint statement
23 of the county superintendents.

24 (2) The board of county commissioners shall include in the amounts to be raised by the county levies
25 for schools all the amounts required for the final budget of each part of a joint district located in the county, in
26 accordance with the recommendations of the county superintendent."

27
28 **Section 10.** Section 20-9-306, MCA, is amended to read:

29 **"20-9-306. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following
30 definitions apply:

(1) "BASE" means base amount for school equity.

(2) "BASE aid" means:

(a) direct state aid for 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district; and

(b) guaranteed tax base aid for an eligible district for any amount up to 35.3% of the basic entitlement, up to 35.3% of the total per-ANB entitlement budgeted in the general fund budget of a district, and 40% of the special education allowable cost payment.

(3) "BASE budget" means the minimum general fund budget of a district, which includes 80% of the basic entitlement, 80% of the total per-ANB entitlement, and ~~up to~~ 140% of the special education allowable cost payment.

(4) "BASE budget levy" means the district levy in support of the BASE budget of a district, which may be supplemented by guaranteed tax base aid if the district is eligible under the provisions of 20-9-366 through 20-9-369.

(5) "BASE funding program" means the state program for the equitable distribution of the state's share of the cost of Montana's basic system of public elementary schools and high schools, through county equalization aid as provided in 20-9-331 and 20-9-333 and state equalization aid as provided in 20-9-343, in support of the BASE budgets of districts and special education allowable cost payments as provided in 20-9-321.

(6) "Basic entitlement" means:

(a) ~~\$220,646~~ \$225,273 for each high school district;

(b) ~~\$19,859~~ \$20,275 for each elementary school district or K-12 district elementary program without an approved and accredited junior high school or middle school; and

(c) the prorated entitlement for each elementary school district or K-12 district elementary program with an approved and accredited junior high school or middle school, calculated as follows USING EITHER THE CURRENT YEAR ANB OR THE 3-YEAR ANB PROVIDED FOR IN 20-9-311:

(i) ~~\$19,859~~ \$20,275 times the ratio of the ANB for kindergarten through grade 6 to the total ANB of kindergarten through grade 8; plus

(ii) ~~\$220,646~~ \$225,273 times the ratio of the ANB for grades 7 and 8 to the total ANB of kindergarten through grade 8.

(7) "BUDGET UNIT" MEANS THE UNIT FOR WHICH THE ANB OF A DISTRICT IS CALCULATED SEPARATELY PURSUANT TO 20-9-311.

(7)(8) "Direct state aid" means 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district and funded with state and county equalization aid.

(8)(9) "Maximum general fund budget" means a district's general fund budget amount calculated from the basic entitlement for the district, the total per-ANB entitlement for the district, and the greater of:

(a) 175% of special education allowable cost payments; or

(b) the ratio, expressed as a percentage, of the district's special education allowable cost expenditures to the district's special education allowable cost payment for the fiscal year that is 2 years previous, with a maximum allowable ratio of 200%.

(9)(10) "Over-BASE budget levy" means the district levy in support of any general fund amount budgeted that is above the BASE budget and below the maximum general fund budget for a district.

(10)(11) "Total per-ANB entitlement" means the district entitlement resulting from the following calculations AND USING EITHER THE CURRENT YEAR ANB OR THE 3-YEAR ANB PROVIDED FOR IN 20-9-311:

(a) for a high school district or a K-12 district high school program, a maximum rate of ~~\$5,374~~ \$5,534 \$5,584 for the first ANB is decreased at the rate of 50 cents per ANB for each additional ANB of the district up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB;

(b) for an elementary school district or a K-12 district elementary program without an approved and accredited junior high school or middle school, a maximum rate of ~~\$4,034~~ \$4,366 for the first ANB is decreased at the rate of 20 cents per ANB for each additional ANB of the district up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(c) for an elementary school district or a K-12 district elementary program with an approved and accredited junior high school or middle school, the sum of:

(i) a maximum rate of ~~\$4,034~~ \$4,366 for the first ANB for kindergarten through grade 6 is decreased at the rate of 20 cents per ANB for each additional ANB up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(ii) a maximum rate of ~~\$5,374~~ \$5,534 \$5,584 for the first ANB for grades 7 and 8 is decreased at the rate of 50 cents per ANB for each additional ANB for grades 7 and 8 up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB."

SECTION 11. SECTION 20-9-306, MCA, IS AMENDED TO READ:

"20-9-306. Definitions. As used in this title, unless the context clearly indicates otherwise, the following

1 definitions apply:

2 (1) "BASE" means base amount for school equity.

3 (2) "BASE aid" means:

4 (a) direct state aid for 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the
5 general fund budget of a district; and

6 (b) guaranteed tax base aid for an eligible district for any amount up to 35.3% of the basic entitlement,
7 up to 35.3% of the total per-ANB entitlement budgeted in the general fund budget of a district, and 40% of the
8 special education allowable cost payment.

9 (3) "BASE budget" means the minimum general fund budget of a district, which includes 80% of the
10 basic entitlement, 80% of the total per-ANB entitlement, and ~~up to~~ 140% of the special education allowable cost
11 payment.

12 (4) "BASE budget levy" means the district levy in support of the BASE budget of a district, which may
13 be supplemented by guaranteed tax base aid if the district is eligible under the provisions of 20-9-366 through
14 20-9-369.

15 (5) "BASE funding program" means the state program for the equitable distribution of the state's share
16 of the cost of Montana's basic system of public elementary schools and high schools, through county
17 equalization aid as provided in 20-9-331 and 20-9-333 and state equalization aid as provided in 20-9-343, in
18 support of the BASE budgets of districts and special education allowable cost payments as provided in 20-9-321.

19 (6) "Basic entitlement" means:

20 (a) ~~\$220,646~~ \$230,199 for each high school district;

21 (b) ~~\$19,859~~ \$20,718 for each elementary school district or K-12 district elementary program without an
22 approved and accredited junior high school or middle school; and

23 (c) the prorated entitlement for each elementary school district or K-12 district elementary program with
24 an approved and accredited junior high school or middle school, calculated as follows using either the current
25 year ANB or the 3-year ANB provided for in 20-9-311:

26 (i) ~~\$19,859~~ \$20,718 times the ratio of the ANB for kindergarten through grade 6 to the total ANB of
27 kindergarten through grade 8; plus

28 (ii) ~~\$220,646~~ \$230,199 times the ratio of the ANB for grades 7 and 8 to the total ANB of kindergarten
29 through grade 8.

30 (7) "Budget unit" means the unit for which the ANB of a district is calculated separately pursuant to

1 20-9-311.

2 ~~(7)~~(8) "Direct state aid" means 44.7% of the basic entitlement and 44.7% of the total per-ANB
3 entitlement for the general fund budget of a district and funded with state and county equalization aid.

4 ~~(8)~~(9) "Maximum general fund budget" means a district's general fund budget amount calculated from
5 the basic entitlement for the district, the total per-ANB entitlement for the district, and the greater of:

6 (a) 175% of special education allowable cost payments; or

7 (b) the ratio, expressed as a percentage, of the district's special education allowable cost expenditures
8 to the district's special education allowable cost payment for the fiscal year that is 2 years previous, with a
9 maximum allowable ratio of 200%.

10 ~~(9)~~(10) "Over-BASE budget levy" means the district levy in support of any general fund amount
11 budgeted that is above the BASE budget and below the maximum general fund budget for a district.

12 ~~(10)~~(11) "Total per-ANB entitlement" means the district entitlement resulting from the following
13 calculations and using either the current year ANB or the 3-year ANB provided for in 20-9-311:

14 (a) for a high school district or a K-12 district high school program, a maximum rate of ~~\$5,371~~ \$5,654
15 \$5,704 for the first ANB is decreased at the rate of 50 cents per ANB for each additional ANB of the district up
16 through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB;

17 (b) for an elementary school district or a K-12 district elementary program without an approved and
18 accredited junior high school or middle school, a maximum rate of ~~\$4,031~~ \$4,456 for the first ANB is decreased
19 at the rate of 20 cents per ANB for each additional ANB of the district up through 1,000 ANB, with each ANB in
20 excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

21 (c) for an elementary school district or a K-12 district elementary program with an approved and
22 accredited junior high school or middle school, the sum of:

23 (i) a maximum rate of ~~\$4,031~~ \$4,456 for the first ANB for kindergarten through grade 6 is decreased
24 at the rate of 20 cents per ANB for each additional ANB up through 1,000 ANB, with each ANB in excess of
25 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

26 (ii) a maximum rate of ~~\$5,371~~ \$5,654 \$5,704 for the first ANB for grades 7 and 8 is decreased at the rate
27 of 50 cents per ANB for each additional ANB for grades 7 and 8 up through 800 ANB, with each ANB in excess
28 of 800 receiving the same amount of entitlement as the 800th ANB."

29
30 **SECTION 12. SECTION 20-9-308, MCA, IS AMENDED TO READ:**

"20-9-308. BASE budgets and maximum general fund budgets. (1) The trustees of a district shall

adopt a general fund budget that is at least equal to the BASE budget established for the district and, except as provided in subsection (3), does not exceed the maximum general fund budget established for the district.

(2) Whenever the trustees of a district adopt a general fund budget that exceeds the BASE budget for the district but does not exceed the maximum general fund budget for the district, the trustees shall submit a proposition to the electors of the district, as provided in 20-9-353.

(3) (a) (i) Except as provided in subsection (3)(a)(ii), the trustees of a school district whose previous year's general fund budget exceeds the current year's maximum general fund budget amount may adopt a general fund budget up to the maximum general fund budget amount or the previous year's general fund budget, whichever is greater. A school district may adopt a budget under the criteria of this subsection (3)(a)(i) for a maximum of ~~5~~ 6 consecutive years, but the trustees shall adopt a plan to reach the maximum general fund budget by no later than the end of the ~~5-year~~ 6-year ~~5-YEAR~~ period. ~~A school district whose adopted general fund budget for the previous year exceeds the maximum general fund budget for the current year and whose ANB for the previous year exceeds the ANB for the current year by 30% or more shall reduce its adopted budget by:~~

~~—— (A) in the first year, 20% of the range between the district's adopted general fund budget for the previous school fiscal year and the maximum general fund budget for the current school fiscal year;~~

~~—— (B) in the second year, 25% of the range between the district's adopted general fund budget for the previous school fiscal year and the maximum general fund budget for the current school fiscal year;~~

~~—— (C) in the third year, 33.3% of the range between the district's adopted general fund budget for the previous school fiscal year and the maximum general fund budget for the current school fiscal year;~~

~~—— (D) in the fourth year, 50% of the range between the district's adopted general fund budget for the previous school fiscal year and the maximum general fund budget for the current school fiscal year; and~~

~~—— (E) in the fifth year, the remainder of the range between the district's adopted general fund budget for the previous school fiscal year and the maximum general fund budget for the current school fiscal year.~~

(ii) The trustees of a district whose general fund budget was above the maximum general fund budget established by Chapter 38, Special Laws of November 1993, and whose general fund budget has continued to exceed the district's maximum general fund budget in each school fiscal year after school fiscal year 1993 may continue to adopt a general fund budget that exceeds the maximum general fund budget. However, the budget adopted for the current year may not exceed the lesser of:

(A) the adopted budget for the previous year; or

(B) the district's maximum general fund budget for the current year plus the over maximum budget amount adopted for the previous year.

(b) ~~The Except as provided in 20-9-353(8), the~~ trustees of the district shall submit a proposition to raise any general fund budget amount that is in excess of the maximum general fund budget for the district to the electors who are qualified under 20-20-301 to vote on the proposition, as provided in 20-9-353.

(4) The BASE budget for the district must be financed by the following sources of revenue:

(a) state equalization aid, as provided in 20-9-343, including any guaranteed tax base aid for which the district may be eligible, as provided in 20-9-366 through 20-9-369;

(b) county equalization aid, as provided in 20-9-331 and 20-9-333;

(c) a district levy for support of a school not approved as an isolated school under the provisions of 20-9-302;

(d) payments in support of special education programs under the provisions of 20-9-321;

(e) nonlevy revenue, as provided in 20-9-141; and

(f) a BASE budget levy on the taxable value of all property within the district.

(5) The over-BASE budget amount of a district must be financed by a levy on the taxable value of all property within the district or other revenue available to the district, as provided in 20-9-141."

SECTION 13. SECTION 20-9-311, MCA, IS AMENDED TO READ:

"20-9-311. Calculation of average number belonging (ANB) -- 3-year averaging. (1) Average number belonging (ANB) must be computed for each budget unit as follows:

(a) compute an average enrollment by adding a count of regularly enrolled full-time pupils who were enrolled as of the first Monday in October of the prior school fiscal year to a count of regularly enrolled pupils on February 1 of the prior school fiscal year, or the next school day if those dates do not fall on a school day, and divide the sum by two; and

(b) multiply the average enrollment calculated in subsection (1)(a) by the sum of the pupil-instruction and the approved pupil-instruction-related days for the current school fiscal year and divide by 180.

(2) For the purpose of calculating ANB under subsection (1), up to 7 approved pupil-instruction-related days may be included in the calculation.

(3) When a school district has approval to operate less than 180 school days under 20-9-806, the total ANB must be calculated in accordance with the provisions of 20-9-805.

(4) Enrollment for a part of a morning session or a part of an afternoon session by a pupil must be counted as enrollment for one-half day.

(5) In calculating the ANB for pupils enrolled in a program established under 20-7-117(1), enrollment at a regular session of the program for at least 2 hours of either a morning or an afternoon session must be counted as one-half pupil for ANB purposes. The ANB for a kindergarten student may not exceed one-half for each kindergarten pupil.

(6) When a pupil has been absent, with or without excuse, for more than 10 consecutive school days, the pupil may not be included in the enrollment count used in the calculation of the ANB unless the pupil resumes attendance prior to the day of the enrollment count.

(7) The enrollment of prekindergarten pupils, as provided in 20-7-117, may not be included in the ANB calculations.

(8) The average number belonging of the regularly enrolled, full-time pupils for the public schools of a district must be based on the aggregate of all the regularly enrolled, full-time pupils attending the schools of the district, except that the ANB is calculated as a separate budget unit when:

(a) (i) a school of the district is located more than 20 miles beyond the incorporated limits of a city or town located in the district and at least 20 miles from any other school of the district, the number of regularly enrolled, full-time pupils of the school must be calculated ~~separately~~ as a separate budget unit for ANB purposes and the district must receive a basic entitlement for the school calculated separately from the other schools of the district;

(ii) a school of the district is located more than 20 miles from any other school of the district and incorporated territory is not involved in the district, the number of regularly enrolled, full-time pupils of the school must be calculated separately for ANB purposes and the district must receive a basic entitlement for the school calculated separately from the other schools of the district;

(iii) the superintendent of public instruction approves an application not to aggregate when conditions exist affecting transportation, such as poor roads, mountains, rivers, or other obstacles to travel, or when any other condition exists that would result in an unusual hardship to the pupils of the school if they were transported to another school, the number of regularly enrolled, full-time pupils of the school must be calculated separately for ANB purposes and the district must receive a basic entitlement for the school calculated separately from the other schools of the district; or

(iv) two or more elementary districts consolidate or annex under the provisions of 20-6-203, 20-6-205,

1 or 20-6-208, two or more high school districts consolidate or annex under the provisions of 20-6-315 or 20-6-317,
2 or two or more K-12 districts consolidate or annex under Title 20, chapter 6, part 4, the ANB and the basic
3 entitlements of the component districts must be calculated separately for a period of 3 years following the
4 consolidation or annexation. Each district shall retain a percentage of its basic entitlement for 3 additional years
5 as follows:

6 (A) 75% of the basic entitlement for the fourth year;

7 (B) 50% of the basic entitlement for the fifth year; and

8 (C) 25% of the basic entitlement for the sixth year.

9 (b) a junior high school has been approved and accredited as a junior high school, all of the regularly
10 enrolled, full-time pupils of the junior high school must be considered as high school district pupils for ANB
11 purposes;

12 (c) a middle school has been approved and accredited, all pupils below the 7th grade must be
13 considered elementary school pupils for ANB purposes and the 7th and 8th grade pupils must be considered
14 high school pupils for ANB purposes; or

15 (d) a school has not been accredited by the board of public education, the regularly enrolled, full-time
16 pupils attending the nonaccredited school are not eligible for average number belonging calculation purposes,
17 nor will an average number belonging for the nonaccredited school be used in determining the BASE funding
18 program for the district.

19 (9) The district shall provide the superintendent of public instruction with semiannual reports of school
20 attendance, absence, and enrollment for regularly enrolled students, using a format determined by the
21 superintendent.

22 (10) (a) For an elementary or high school district that has been in existence for 3 or more years, the
23 district's maximum general fund budget and BASE budget for the ensuing year must be calculated using the
24 current year ANB for all budget units or the 3-year average ANB for all budget units, whichever generates the
25 greatest maximum general fund budget.

26 (b) For a K-12 district that has been in existence for 3 years or more, the district's maximum general fund
27 budget and BASE budget for the ensuing year must be calculated separately for the elementary and high school
28 programs pursuant to subsection (10)(a) and then combined.

29 (c) For a district that has existed less than 3 years, the maximum general fund budget and BASE budget
30 must be calculated using the current year ANB.

1 (11) The term "3-year ANB" means an average ANB over the most recent 3-year period, calculated by:

2 (a) adding the ANB for the budget unit for the ensuing school fiscal year to the ANB for each of the
3 previous 2 school fiscal years; and

4 (b) dividing the sum calculated under subsection (11)(a) by three."

5
6 **SECTION 14. SECTION 20-9-314, MCA, IS AMENDED TO READ:**

7 **"20-9-314. Procedures for determining eligibility and amount of increased average number**
8 **belonging due to unusual enrollment increase.** A district that anticipates an unusual increase in enrollment
9 in the ensuing school fiscal year, as provided for in 20-9-313(4), may increase its basic entitlement and total
10 per-ANB entitlement for the ensuing school fiscal year in accordance with the following provisions:

11 (1) Prior to June 1, the district shall estimate the elementary or high school enrollment to be realized
12 during the ensuing school fiscal year, based on as much factual information as may be available to the district.

13 (2) No later than June 1, the district shall submit its application for an unusual enrollment increase by
14 elementary or high school level to the superintendent of public instruction. The application must include:

15 (a) the enrollment for the current school fiscal year;

16 (b) the average number belonging used to calculate the basic entitlement and total per-ANB entitlement
17 for the current school fiscal year;

18 (c) the average number belonging that will be used to calculate the basic entitlement and total per-ANB
19 entitlement for the ensuing school fiscal year;

20 (d) the estimated enrollment, including the factual information on which the estimate is based, as
21 provided in subsection (1); and

22 (e) any other information or data that may be requested by the superintendent of public instruction.

23 (3) The superintendent of public instruction shall immediately review all the factors of the application
24 and shall approve or disapprove the application or adjust the estimated average number belonging for the
25 ensuing ANB calculation period. After approving an estimate, with or without adjustment, the superintendent of
26 public instruction shall:

27 (a) determine the percentage ~~increase~~ by which the estimated enrollment ~~increase~~ exceeds the ~~current~~
28 enrollment used for the budgeted ANB; and

29 (b) approve an increase of the average number belonging used to establish the ensuing year's basic
30 entitlement and total per-ANB entitlement in accordance with subsection (5) if the increase in subsection (3)(a)

1 is ~~at least~~ greater than 6%.

2 (4) The superintendent of public instruction shall notify the district of the decision by the fourth Monday
3 in June.

4 (5) Whenever an unusual enrollment increase is approved by the superintendent of public instruction,
5 the increase of the average number belonging used to establish the basic entitlement and total per-ANB
6 entitlement for the ensuing ANB calculation period is determined using the difference between the enrollment
7 for the ensuing school fiscal year and 106% of the ~~current~~ enrollment used to calculate the budgeted ANB. The
8 amount determined is the maximum allowable increase added to the average number belonging for the purpose
9 of establishing the ensuing year's basic entitlement and total per-ANB entitlement.

10 (6) (a) Any entitlement increases resulting from provisions of this section must be reviewed at the end
11 of the ensuing school fiscal year.

12 (b) ~~If the actual enrollment is less than the average number belonging used for BASE funding program~~
13 ~~and entitlement calculations~~ the enrollment used to determine budgeted ANB, the superintendent of public
14 instruction shall revise the total per-ANB entitlement and basic entitlement calculations, as provided in
15 subsection (5), using the actual ~~average number belonging~~ enrollment in place of the estimated enrollment.

16 (c) All total per-ANB entitlements received by the district in excess of the revised entitlements are
17 overpayments subject to the refund provisions of 20-9-344(4)."

18
19 **SECTION 15. SECTION 20-9-321, MCA, IS AMENDED TO READ:**

20 **"20-9-321. Allowable cost payment for special education. (1) As used in this section, "ANB" means**
21 **the current year ANB.**

22 **(2) The 3-year average ANB provided for in 20-9-311(10) does not apply to the calculation and**
23 **distribution of state special education allowable cost payments provided for in this section.**

24 **(3) For the purpose of establishing the allowable cost payment for a current year special education**
25 **program for a school district, the superintendent of public instruction shall determine the total special education**
26 **payment to a school district, cooperative, or joint board for special education services formed under 20-3-361**
27 **prior to July 1, 1992, using the following factors:**

28 (a) the district ANB student count as established pursuant to 20-9-311 and 20-9-313;

29 (b) a per-ANB amount for the special education instructional block grant;

30 (c) a per-ANB amount for the special education-related services block grant;

(d) an amount for cooperatives or joint boards meeting the requirements of 20-7-457, to compensate for the additional costs of operations and maintenance, travel, supportive services, recruitment, and administration; and

(e) any other data required by the superintendent of public instruction to administer the provisions of this section.

~~(2)(4)~~ (a) The total special education allocation must be distributed according to the following formula:

(i) 52.5% through instructional block grants;

(ii) 17.5% through related services block grants;

(iii) 25% to reimbursement of local districts; and

(iv) 5% to special education cooperatives and joint boards for administration and travel.

(b) Special education allowable cost payments outlined in subsection ~~(2)(a)~~ (4)(a) must be granted to each school district and cooperative with a special education program as follows:

(i) The instructional block grant limit prescribed in subsection ~~(2)(a)(i)~~ (4)(a)(i) must be awarded to each school district, based on the district ANB and the per-ANB special education instructional amount.

(ii) The special education-related services block grant limit prescribed in subsection ~~(2)(a)(ii)~~ (4)(a)(ii) must be awarded to each school district that is not a cooperative member, based on the district ANB and the per-ANB special education-related services amount, or to a cooperative or joint board that meets the requirements of 20-7-457. The special education-related services block grant amount for districts that are members of approved cooperatives or a joint board must be awarded to the cooperatives or joint board.

(iii) If a district's allowable costs of special education exceed the total of the special education instructional and special education-related services block grant plus the required district match required by subsection ~~(4)~~ (6), the district is eligible to receive at least a 40% reimbursement of the additional costs. To ensure that the total of reimbursements to all districts does not exceed 25% of the total special education allocation limit established in subsection ~~(2)(a)(iii)~~ (4)(a)(iii), reimbursement must be made to districts for amounts that exceed a threshold level calculated annually by the office of public instruction. The threshold level is calculated as a percentage amount above the sum of the district's block grants plus the required district match.

(iv) Of the amount distributed under subsection ~~(2)(a)(iv)~~ (4)(a)(iv), three-fifths must be distributed based on the ANB count of the school districts that are members of the special education cooperative or joint board and two-fifths must be distributed based on distances, population density, and the number of itinerant personnel under rules adopted by the superintendent of public instruction.

~~(3)~~(5) The superintendent of public instruction shall adopt rules necessary to implement this section.

~~(4)~~(6) A district shall provide a 25% local contribution for special education, matching every \$3 of state special education instructional and special education-related services block grants with at least one local dollar. A district that is a cooperative member is required to provide the 25% match of the special education-related services grant amount to the special education cooperative.

~~(5)~~(7) The superintendent of public instruction shall determine the actual district match based on the trustees' reports. Any unmatched portion reverts to the state and must be subtracted from the district's ensuing year's special education allowable cost payment.

~~(6)~~(8) A district that demonstrates severe economic hardship because of exceptional special education costs may apply to the superintendent of public instruction for an advance on the reimbursement for the year in which the actual costs will be incurred."

SECTION 16. SECTION 20-9-353, MCA, IS AMENDED TO READ:

"20-9-353. Additional financing for general fund -- election for authorization to impose. (1) The trustees of a district may propose to adopt:

(a) an over-BASE budget amount for the district general fund that does not exceed the maximum general fund budget for the district or other limitations, as provided in 20-9-308(2); or

(b) a general fund budget amount in excess of the maximum general fund budget amount for the district, as provided in 20-9-308(3).

(2) ~~When Except as provided in subsection (8), when~~ WHEN the trustees of the district propose to adopt an over-BASE budget under subsection (1)(a), any increase in local property taxes authorized by 20-9-308(5) must be submitted to a vote of the qualified electors of the district, as provided in 15-10-425. The trustees are not required to submit to the qualified electors any increase in state funding of the basic or per-ANB entitlements approved by the legislature. When the trustees of a district determine that a voted amount of financing is required for the general fund budget, the trustees shall submit the proposition to finance the voted amount to the electors who are qualified under 20-20-301 to vote upon the proposition. The election must be called and conducted in the manner prescribed by this title for school elections and must conform to the requirements of 15-10-425. The ballot for the election must conform to the requirements of 15-10-425.

(3) ~~When~~ EXCEPT AS PROVIDED IN SUBSECTION (8), WHEN the trustees of a district propose to adopt the general fund budget amount in excess of the maximum general fund budget under subsection (1)(b), the

trustees shall submit the proposition to finance the additional amount of general fund budget authority to the electors who are qualified under 20-20-301 to vote upon the proposition. The election must be called and conducted in the manner prescribed by this title for school elections. The ballot for the election must state the amount of the budget to be financed, the approximate number of mills required to fund all or a portion of the budget amount, and the purpose for which the money will be expended. The ballot must be in the following format:

PROPOSITION

Shall the district be authorized to expend the sum of (state the additional amount to be expended) and being approximately (give number) mills for the purpose of (insert the purpose for which the additional financing is made)?

☐ FOR budget authority and any levy.

☐ AGAINST budget authority and any levy.

(4) If the election on any additional financing or budget authority for the general fund is approved by a majority vote of the electors voting at the election, the proposition carries and the trustees may use any portion or all of the authorized amount in adopting the final general fund budget. The trustees shall certify any additional levy amount authorized by the election on the budget form that is submitted to the county superintendent, and the county commissioners shall levy the authorized number of mills on the taxable value of all taxable property within the district, as prescribed in 20-9-141.

(5) Authorization to levy an additional tax to support a budget amount adopted as allowed by 20-9-308(3) is effective for only 1 school fiscal year.

(6) All levies adopted under this section must be authorized by the election conducted before August 1 of the school fiscal year for which it is effective.

(7) If the trustees of a district are required to submit a proposition to finance an over-BASE budget amount or an amount in excess of the maximum general fund budget amount for the district, as allowed by 20-9-308(3), to the electors of the district, the trustees shall comply with the provisions of subsections (2) through (6) of this section.

(8) The trustees of the district may permissively levy up to the same over-BASE property tax revenue levied in the prior fiscal year."

Section 17. Section 20-9-366, MCA, is amended to read:

1 **"20-9-366. Definitions.** As used in 20-9-366 through 20-9-371, the following definitions apply:

2 (1) "County retirement mill value per elementary ANB" or "county retirement mill value per high school
3 ANB" means the sum of the taxable valuation in the previous year of all property in the county divided by 1,000,
4 with the quotient divided by the total county elementary ANB count or the total county high school ANB count
5 used to calculate the elementary school districts' and high school districts' current year total per-ANB entitlement
6 amounts ~~less the state special education allowable cost payment.~~

7 (2) (a) "District guaranteed tax base ratio" for guaranteed tax base funding for the BASE budget of an
8 eligible district means the taxable valuation in the previous year of all property in the district divided by the sum
9 of the district's current year BASE budget amount less direct state aid AND THE STATE SPECIAL EDUCATION
10 ALLOWABLE COST PAYMENT.

11 (b) "District mill value per ANB", for school facility entitlement purposes, means the taxable valuation
12 in the previous year of all property in the district divided by 1,000, with the quotient divided by the ANB count of
13 the district used to calculate the district's current year total per-ANB entitlement amount.

14 (3) "Facility guaranteed mill value per ANB", for school facility entitlement guaranteed tax base
15 purposes, means the sum of the taxable valuation in the previous year of all property in the state, multiplied by
16 140% and divided by 1,000, with the quotient divided by the total ~~ANB amount used to calculate the school~~
17 ~~districts' current year total per-ANB entitlement~~ state elementary ANB count or the total state high school ANB
18 count used to calculate the elementary school districts' and high school districts' current year total per-ANB
19 entitlement amounts.

20 (4) (a) "Statewide elementary guaranteed tax base ratio" or "statewide high school guaranteed tax base
21 ratio", for guaranteed tax base funding for the BASE budget of an eligible district, means the sum of the taxable
22 valuation in the previous year of all property in the state, multiplied by 175% and divided by the total sum of
23 either the state elementary school districts' or the high school districts' current year BASE budget amounts less
24 total direct state aid.

25 (b) "Statewide mill value per elementary ANB" or "statewide mill value per high school ANB", for school
26 retirement guaranteed tax base purposes, means the sum of the taxable valuation in the previous year of all
27 property in the state, multiplied by 121% and divided by 1,000, with the quotient divided by the total state
28 elementary ANB count or the total state high school ANB amount used to calculate the elementary school
29 districts' and high school districts' current year total per-ANB entitlement amounts."
30

1 **Section 18.** Section 20-9-406, MCA, is amended to read:

2 **"20-9-406. Limitations on amount of bond issue -- definition of federal impact aid basic support**
3 **payment.** (1) (a) Except as provided in subsection (1)(d), the maximum amount for which an elementary district
4 or a high school district may become indebted by the issuance of general obligation bonds, including all
5 indebtedness represented by outstanding general obligation bonds of previous issues, ~~and~~ registered warrants,
6 outstanding obligations under 20-9-471 and 20-9-502, and any other loans or notes payable that are held as
7 general obligations of the district, is 45% of the taxable value of the property subject to taxation, as ascertained
8 by the last assessment for state, county, and school taxes previous to the incurring of the indebtedness.

9 (b) Except as provided in subsection (1)(d), the maximum amount for which a K-12 school district, as
10 formed pursuant to 20-6-701, may become indebted by the issuance of general obligation bonds, including all
11 indebtedness represented by outstanding general obligation bonds of previous issues, ~~and~~ registered warrants,
12 outstanding obligations under 20-9-471 and 20-9-502, and any other loans or notes payable that are held as
13 general obligations of the district, is up to 90% of the taxable value of the property subject to taxation, as
14 ascertained by the last assessment for state, county, and school taxes previous to the incurring of the
15 indebtedness.

16 (c) The total indebtedness of the high school district with an attached elementary district is limited to
17 the sum of 45% of the taxable value of the property for elementary school program purposes and 45% of the
18 taxable value of the property for high school program purposes.

19 (d) (i) The maximum amount for which an elementary district or a high school district with a district mill
20 value per elementary ANB or per high school ANB that is less than the ~~corresponding statewide mill value per~~
21 ~~elementary ANB or per high school ANB~~ facility guaranteed mill value per elementary ANB or high school ANB
22 under 20-9-366 may become indebted by the issuance of general obligation bonds, including all indebtedness
23 represented by outstanding general obligation bonds of previous issues, ~~and~~ registered warrants, outstanding
24 obligations under 20-9-471 and 20-9-502, and any other loans or notes payable that are held as general
25 obligations of the district, is 45% of the corresponding ~~statewide~~ FACILITY GUARANTEED mill value per ANB times
26 1,000 times the ANB of the district. For a K-12 district, the maximum amount for which the district may become
27 indebted is 45% of the sum of the ~~statewide~~ FACILITY GUARANTEED mill value per elementary ANB times 1,000
28 times the elementary ANB of the district and the ~~statewide~~ FACILITY GUARANTEED mill value per high school ANB
29 times 1,000 times the high school ANB of the district.

30 (ii) If mutually agreed upon by the affected districts, for the purpose of calculating its maximum bonded

1 indebtedness under this subsection (1)(d), a district may include the ANB of the district plus the number of
2 students residing within the district for which the district or county pays tuition for attendance at a school in an
3 adjacent district. The receiving district may not use out-of-district ANB for the purpose of calculating its maximum
4 indebtedness if the out-of-district ANB has been included in the ANB of the sending district pursuant to the
5 mutual agreement.

6 (2) The maximum amounts determined in subsection (1) do not pertain to indebtedness imposed by
7 special improvement district obligations or assessments against the school district or to general obligation bonds
8 issued for the repayment of tax protests lost by the district. All general obligation bonds issued in excess of the
9 amount are void, except as provided in this section.

10 (3) The maximum amount of impact aid revenue bonds that an elementary district, high school district,
11 or K-12 school district may issue may not exceed a total aggregate amount equal to three times the average of
12 the school district's annual federal impact aid basic support payments for the 5 years immediately preceding the
13 issuance of the bonds. However, at the time of issuance of the bonds, the average annual payment of principal
14 and interest on the impact aid bonds each year may not exceed 35% of the total federal impact aid basic support
15 payments of the school district for the current year.

16 (4) When the total indebtedness of a school district has reached the limitations prescribed in this
17 section, the school district may pay all reasonable and necessary expenses of the school district on a cash basis
18 in accordance with the financial administration provisions of this chapter.

19 (5) Whenever bonds are issued for the purpose of refunding bonds, any money to the credit of the debt
20 service fund for the payment of the bonds to be refunded is applied toward the payment of the bonds and the
21 refunding bond issue is decreased accordingly.

22 (6) As used in this part, "federal impact aid basic support payment" means the annual impact aid
23 revenue received by a district under 20 U.S.C. 7703(b) but excludes revenue received for impact aid special
24 education under 20 U.S.C. 7703(d) and impact aid construction under 20 U.S.C. 7707."

25
26 **Section 19.** Section 20-9-443, MCA, is amended to read:

27 **"20-9-443. Disposition of remaining debt service fund.** (1) Except as provided in subsection (2),
28 when all of the bonds, ~~and bond interest, and special improvement district obligations~~ of a school district have
29 been fully paid, all money remaining in the debt service fund for the school district and all money that may come
30 into the debt service fund from the payment of the delinquent taxes must be transferred by the county treasurer

1 to the building reserve levy fund, the technology acquisition and depreciation fund, or the general fund as
2 designated by the school district, ~~provided that~~ if the subsequent use of the funds by the school district is limited
3 to constructing, equipping, or enlarging school buildings or purchasing land needed for school purposes in the
4 district.

5 (2) Any federal impact aid funding remaining in the debt service fund of a school district that has fully
6 repaid the bonds and bond interest must revert to the district's impact aid account established pursuant to
7 20-9-514."

8
9 ~~SECTION 21. SECTION 20-9-501, MCA, IS AMENDED TO READ:~~

10 ~~"20-9-501. Retirement costs and retirement fund. (1) The trustees of a district or the management~~
11 ~~board of a cooperative employing personnel who are members of the teachers' retirement system or the public~~
12 ~~employees' retirement system or who are covered by unemployment insurance or who are covered by any~~
13 ~~federal social security system requiring employer contributions shall establish a retirement fund for the purposes~~
14 ~~of budgeting and paying the employer's contributions to the systems as provided in subsection (2)(a). The~~
15 ~~district's or the cooperative's contribution for each employee who is a member of the teachers' retirement system~~
16 ~~must be calculated in accordance with Title 19, chapter 20, part 6. The district's or the cooperative's contribution~~
17 ~~for each employee who is a member of the public employees' retirement system must be calculated in~~
18 ~~accordance with 19-3-316. The district's or the cooperative's contributions for each employee covered by any~~
19 ~~federal social security system must be paid in accordance with federal law and regulation. The district's or the~~
20 ~~cooperative's contribution for each employee who is covered by unemployment insurance must be paid in~~
21 ~~accordance with Title 39, chapter 51, part 11.~~

22 ~~(2) (a) The district or the cooperative shall pay the employer's contributions to the retirement, federal~~
23 ~~social security, and unemployment insurance systems from the retirement fund for the following:~~

24 ~~(i) a district employee whose salary and health-related benefits, if any health-related benefits are~~
25 ~~provided to the employee, are paid from state or local funding sources;~~

26 ~~(ii) a cooperative employee whose salary and health-related benefits, if any health-related benefits are~~
27 ~~provided to the employee, are paid from the cooperative's interlocal agreement fund if the fund is supported~~
28 ~~solely from districts' general funds and state special education allowable cost payments pursuant to 20-9-321;~~
29 ~~and~~

30 ~~(iii) a district employee whose salary and health-related benefits, if any health-related benefits are~~

~~provided to the employee, are paid from the district's school food services fund provided for in 20-10-204.~~

~~———— (b) For an employee whose benefits are not paid from the retirement fund, the district or the cooperative shall pay the employer's contributions to the retirement, federal social security, and unemployment insurance systems from the funding source that pays the employee's salary.~~

~~———— (3)(2) The trustees of a district required to make a contribution to a system referred to in subsection (1) shall include in the retirement fund of the final budget the estimated amount of the employer's contribution. After the final retirement fund budget has been adopted, the trustees shall pay the employer contributions to the systems in accordance with the financial administration provisions of this title.~~

~~———— (4)(3) When the final retirement fund budget has been adopted, the county superintendent shall establish the levy requirement by:~~

~~———— (a) determining the sum of the money available to reduce the retirement fund levy requirement by adding:~~

~~———— (i) any anticipated money that may be realized in the retirement fund during the ensuing school fiscal year;~~

~~———— (ii) oil and natural gas production taxes;~~

~~———— (iii) coal gross proceeds taxes under 15-23-703;~~

~~———— (iv) countywide school retirement block grants distributed under section 245, Chapter 574, Laws of 2001;~~

~~———— (v)(iv) any fund balance available for reappropriation as determined by subtracting the amount of the end-of-the-year fund balance earmarked as the retirement fund operating reserve for the ensuing school fiscal year by the trustees from the end-of-the-year fund balance in the retirement fund. The retirement fund operating reserve may not be more than 35% of the final retirement fund budget for the ensuing school fiscal year and must be used for the purpose of paying retirement fund warrants issued by the district under the final retirement fund budget.~~

~~———— (vi)(v) any other revenue anticipated that may be realized in the retirement fund during the ensuing school fiscal year, excluding any guaranteed tax base aid.~~

~~———— (b) notwithstanding the provisions of subsection (9) (8), subtracting the money available for reduction of the levy requirement, as determined in subsection (4)(a) (3)(A), from the budgeted amount for expenditures in the final retirement fund budget.~~

~~———— (5)(4) The county superintendent shall:~~

~~———— (a) total the net retirement fund levy requirements separately for all elementary school districts, all high~~

1 school districts, and all community college districts of the county, including any prorated joint district or special
2 education cooperative agreement levy requirements; and

3 ~~—— (b) report each levy requirement to the county commissioners on the fourth Monday of August as the~~
4 ~~respective county levy requirements for elementary district, high school district, and community college district~~
5 ~~retirement funds.~~

6 ~~—— (6)(5) The county commissioners shall fix and set the county levy or district levy in accordance with~~
7 ~~20-9-142.~~

8 ~~—— (7)(6) The net retirement fund levy requirement for a joint elementary district or a joint high school~~
9 ~~district must be prorated to each county in which a part of the district is located in the same proportion as the~~
10 ~~district ANB of the joint district is distributed by pupil residence in each county. The county superintendents of~~
11 ~~the counties affected shall jointly determine the net retirement fund levy requirement for each county as provided~~
12 ~~in 20-9-151.~~

13 ~~—— (8)(7) The net retirement fund levy requirement for districts that are members of special education~~
14 ~~cooperative agreements must be prorated to each county in which the district is located in the same proportion~~
15 ~~as the special education cooperative budget is prorated to the member school districts. The county~~
16 ~~superintendents of the counties affected shall jointly determine the net retirement fund levy requirement for each~~
17 ~~county in the same manner as provided in 20-9-151, and the county commissioners shall fix and levy the net~~
18 ~~retirement fund levy for each county in the same manner as provided in 20-9-152.~~

19 ~~—— (9)(8) The county superintendent shall calculate the number of mills to be levied on the taxable property~~
20 ~~in the county to finance the retirement fund net levy requirement by dividing the amount determined in~~
21 ~~subsection (5)(a) (4)(a) by the sum of:~~

22 ~~—— (a) the amount of guaranteed tax base aid that the county will receive for each mill levied, as certified~~
23 ~~by the superintendent of public instruction; and~~

24 ~~—— (b) the taxable valuation of the district divided by 1,000.~~

25 ~~—— (10)(9) The levy for a community college district may be applied only to property within the district.~~

26 ~~—— (11)(10) The county superintendent of each county shall submit a report of the revenue amounts used~~
27 ~~to establish the levy requirements for county school funds supporting elementary and high school district~~
28 ~~retirement obligations to the superintendent of public instruction not later than the second Monday in September.~~
29 ~~The report must be completed on forms supplied by the superintendent of public instruction."~~

1 ~~SECTION 22. SECTION 20-9-630, MCA, IS AMENDED TO READ:~~

2 ~~"20-9-630. School district block grants. (1) (a) The office of public instruction shall provide a block~~
3 ~~grant to each school district based on the revenue received by each district in fiscal year 2001 from vehicle taxes~~
4 ~~and fees, corporate license taxes paid by financial institutions, aeronautics fees, state land payments in lieu of~~
5 ~~taxes, and property tax reimbursements pursuant to sections 167(1) through (5) and 169(6), Chapter 584, Laws~~
6 ~~of 1999.~~

7 ~~(b) Block grants must be calculated using the electronic reporting system that is used by the office of~~
8 ~~public instruction and school districts. The electronic reporting system must be used to allocate the block grant~~
9 ~~amount into each district's budget as an anticipated revenue source by fund.~~

10 ~~(c) With the exception of vehicle taxes and fees, the office of public instruction shall use the amount~~
11 ~~actually received from the sources listed in subsection (1)(a) in fiscal year 2001 in its calculation of the block~~
12 ~~grant for fiscal year 2002 budgeting purposes. For vehicle taxes and fees, the office of public instruction shall~~
13 ~~use 93.4% of the amount actually received in fiscal year 2001 in calculating the block grant for fiscal year 2002.~~

14 ~~(2) If the fiscal year 2003 appropriation provided in section 248(1), Chapter 574, Laws of 2001, is~~
15 ~~insufficient to fund the school district block grants in fiscal year 2003 at the fiscal year 2002 level, the office of~~
16 ~~public instruction shall prorate the block grants to meet the remaining appropriation. School districts shall~~
17 ~~anticipate the prorated block grant amounts provided by the office of public instruction in their budgets for fiscal~~
18 ~~year 2003.~~

19 ~~(3) Each year, 70% of each district's block grant must be distributed in November and 30% of each~~
20 ~~district's block grant must be distributed in May at the same time that guaranteed tax base aid is distributed.~~

21 ~~(4) (a) The block grant for the district general fund is equal to the average amount received in fiscal~~
22 ~~years 2002 and 2003 by the district general fund from the block grants provided for in subsection (1). The block~~
23 ~~grant must be increased by 0.76% in fiscal year 2004 and in each succeeding fiscal year.~~

24 ~~(b) The block grant for the district transportation fund is equal to one-half of the average amount~~
25 ~~received in fiscal years 2002 and 2003 by the district transportation fund from the block grants provided for in~~
26 ~~subsection (1). The block grant must be increased by 0.76% in fiscal year 2004 and in each succeeding fiscal~~
27 ~~year.~~

28 ~~(c) (i) The combined fund block grant is equal to the average amount received in fiscal years 2002 and~~
29 ~~2003 by the district tuition, bus depreciation reserve, building reserve, nonoperating, and adult education funds~~
30 ~~from the block grants provided for in subsection (1). The block grant must be increased by 0.76% in fiscal year~~

2004 and in each succeeding fiscal year.

——— (ii) The school district may deposit the combined fund block grant into any budgeted fund of the district."

NEW SECTION. SECTION 20. EXTENSION OF SCHOOL ELECTION DEADLINES. IN ORDER TO ALLOW FOR THE MORE ORDERLY AND EFFICIENT CONDUCT OF THE REGULAR SCHOOL ELECTIONS SCHEDULED FOR MAY 3, 2005, IT MAY NOT BE POSSIBLE TO COMPLY WITH CERTAIN STATUTORY DEADLINES RELATING TO A SCHOOL ELECTION. THEREFORE, IN 2005 ONLY, A SCHOOL DISTRICT MAY LIMIT THE REGULAR SCHOOL ELECTION SCHEDULED FOR MAY 3, 2005, TO TRUSTEE ELECTIONS ONLY AND MAY RESCHEDULE A SINGLE GENERAL FUND OPERATING LEVY ELECTION AT ANY TIME PRIOR TO THE ADOPTION OF A FINAL BUDGET PURSUANT TO 20-9-131. IN ADDITION, ALL STATUTORY DEADLINES FOR THE MAY 3, 2005, REGULAR SCHOOL ELECTIONS THAT FALL ON OR BEFORE APRIL 15 ARE EXTENDED TO APRIL 25, 2005, EXCEPT THAT THE TIMELINE FOR POSTING THE ELECTION NOTICE IS CHANGED TO APRIL 25, 2005, THROUGH MAY 3, 2005.

NEW SECTION. SECTION 21. ~~UNIFIED AND JOINT BOARD INTERDISTRICT INTERDISTRICT AGREEMENTS -- FUND TRANSFERS.~~ (1) THE TRUSTEES OF ANY TWO SCHOOL DISTRICTS THAT HAVE UNIFIED PURSUANT TO 20-6-312 ~~OR, ANY TWO SCHOOL DISTRICTS THAT HAVE CREATED A JOINT BOARD OF TRUSTEES PURSUANT TO 20-3-361, OR A HIGH SCHOOL DISTRICT AND ANY ELEMENTARY SCHOOL DISTRICT ASSOCIATED WITH THAT HIGH SCHOOL DISTRICT MAY ENTER INTO AN INTERDISTRICT AGREEMENT TO PROVIDE FOR THE JOINT FUNDING AND OPERATION AND MAINTENANCE OF BOTH DISTRICTS UPON THE TERMS AND CONDITIONS AS MAY BE MUTUALLY AGREED TO BY THE DISTRICTS SUBJECT TO THE CONDITIONS OF THIS SECTION. AN AGREEMENT MUST BE APPROVED BY THE BOARD OF TRUSTEES OF BOTH DISTRICTS BY FEBRUARY 1 OF THE CURRENT FISCAL YEAR.~~

(2) ALL EXPENDITURES IN SUPPORT OF THE INTERDISTRICT AGREEMENT MAY BE MADE FROM THE INTERLOCAL COOPERATIVE FUND AS SPECIFIED IN 20-9-703 AND 20-9-704. EACH DISTRICT MAY TRANSFER FUNDS INTO THE INTERLOCAL COOPERATIVE FUND FROM THE GENERAL FUND OF THE DISTRICT. TRANSFERS TO THE INTERLOCAL COOPERATIVE FUND FROM EACH SCHOOL DISTRICT ARE LIMITED TO AN AMOUNT NOT TO EXCEED THE DIRECT STATE AID IN SUPPORT OF THE RESPECTIVE SCHOOL DISTRICT'S GENERAL FUND AND MUST BE COMPLETED BY FEBRUARY 1 OF THE CURRENT FISCAL YEAR.

(3) EXPENDITURES FROM THE INTERLOCAL COOPERATIVE FUND UNDER THIS SECTION ARE LIMITED TO THOSE EXPENDITURES THAT ARE PERMITTED BY LAW AND THAT ARE WITHIN THE FINAL BUDGET FOR THE GENERAL FUND FROM WHICH THE TRANSFER WAS MADE.

~~NEW SECTION. SECTION 25. TRANSFER OF ENDING FUND BALANCE. A SCHOOL DISTRICT MAY TRANSFER ANY
ENDING FUND BALANCE FROM THE RETIREMENT FUND UNDER 20-9-501 OR THE TRANSPORTATION FUND UNDER 20-10-144
TO THE SCHOOL FLEXIBILITY FUND ESTABLISHED IN 20-9-543.~~

NEW SECTION. Section 22. Repealer. Section 20-9-375, MCA, is repealed.

~~NEW SECTION. Section 13. Effective date. [This act] is effective July 1, 2005 ON PASSAGE AND
APPROVAL.~~

NEW SECTION. SECTION 23. CODIFICATION INSTRUCTION. (4) [SECTION 23 24 21] IS INTENDED TO BE
CODIFIED AS AN INTEGRAL PART OF TITLE 20, CHAPTER 3, PART 3, AND THE PROVISIONS OF TITLE 20, CHAPTER 3, PART
3, APPLY TO [SECTION 23 24 21].

(2) [SECTION 25] IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF TITLE 20, CHAPTER 9, PART 5, AND THE
PROVISIONS OF TITLE 20, CHAPTER 9, PART 5, APPLY TO [SECTION 25].

NEW SECTION. SECTION 24. EFFECTIVE DATES -- APPLICABILITY. (1) [SECTIONS 1 AND 12 THROUGH 16 15,
2, AND 13 THROUGH 16 12 THROUGH 15] ARE EFFECTIVE ON PASSAGE AND APPROVAL AND APPLY TO SCHOOL BUDGETS
FOR THE SCHOOL FISCAL YEARS BEGINNING ON OR AFTER JULY 1, 2005.

(2) [SECTIONS 2, 3, 5 THROUGH 9, AND 17 THROUGH 25 17 THROUGH 19, AND 21 THROUGH 27] [SECTIONS 3
2, 4, 6 THROUGH 10, 18 THROUGH 20, AND 22 THROUGH 29 3, 5 THROUGH 9, AND 17 THROUGH 25] ARE EFFECTIVE ON
PASSAGE AND APPROVAL.

(3) [SECTION 4 5 4] IS EFFECTIVE JULY 1, 2007.

(4) [SECTION 10] IS [SECTIONS 10 AND 20] [SECTIONS 11 AND 21] ARE [SECTION 10] IS EFFECTIVE JULY 1,
2005, AND APPLIES APPLY APPLIES TO SCHOOL BUDGETS FOR THE SCHOOL FISCAL YEAR BEGINNING JULY 1, 2005.

(5) [SECTION 11 12 11] IS EFFECTIVE JULY 1, 2006, AND APPLIES TO SCHOOL BUDGETS FOR THE SCHOOL FISCAL
YEAR BEGINNING JULY 1, 2006.

(6) [SECTION 16 17 16] IS EFFECTIVE ON PASSAGE AND APPROVAL AND APPLIES RETROACTIVELY, WITHIN THE
MEANING OF 1-2-109, TO THE PREPARATION OF SCHOOL BUDGETS FOR THE 2006 SCHOOL FISCAL YEAR.

NEW SECTION. SECTION 25. TERMINATION. (1) [SECTION 10 11 10] TERMINATES JUNE 30, 2006.

